Before the

FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Rules and Policies Concerning	)	MM Docket No. 0l-3l7
Multiple Ownership of Radio Broadcast	)	
Stations in Local Markets	)	
	)	
Definition of Radio Markets	)	MM Docket No. 00-244

TO: THE COMMISSION

REPLY COMMENTS OF THE FUTURE OF MUSIC COALITION

The Future of Music Coalition (FMC), by counsel, the Media Access Project, respectfully replies to comments filed in this proceeding. FMC also describes below certain steps it has taken to produce additional data which will assist the Commission in assessing the impact of consolidation in radio ownership.

FMC is a not-for-profit collaboration between members of the music, technology, public policy and intellectual property law communities. It seeks to educate the media, policymakers, and the public about music and technology issues, while also bringing together diverse voices in an effort to come up with creative solutions to some of the challenges in this space. Working as it does within the grassroots and music communities, FMC has a unique vantage point from which to view how radio consolidation has affected musicians and other citizens across the country.

These brief reply comments address industry comments claiming that increasing concentration of radio ownership is compatible with the public interest. FMC disagrees. Contrary to arguments that economies of scale would increase the diversity of radio programming, experience demonstrates that niche formats addressing significant but minority tastes have been abandoned as ownership concentration increases.

FMC believes that the FCC's mandate to serve the public interest requires it to insure that the creative gene pool of our nation is constantly replenished. As demonstrated by the fact that Ozzy Osbourne was recently welcomed to Washington by the President of the United States, history teaches that what is mainstream today was yesterday's avant garde.

As Consumer Federation of America and others have already demonstrated in this and other ongoing ownership proceedings, the economics of broadcasting encourage group owners to aggregate their program offerings in the middle, rather than seek new and different artistic perspectives.

In addition to maintaining or reducing the number of stations which can be owned in given markets, FMC also calls upon the Commission to abolish, or at the very least limit, the use of LMA's, joint sales agreements and other arrangements designed to permit existing licensees to control additional stations in markets in which they have "maxed out." While some broadcasters have filed comments characterizing these practices as benign and beneficial, this is far from true. Even when properly operated, LMA's and similar arrangements allow incumbent licensees to extend their monopoly over news, format and other programming decisions.

The larger problem with LMA's is that they often are NOT properly operated. Absent FCC enforcement, licensees can and do abdicate all responsibility for programming and operation to others. While the Commission has addressed a handful of cases in which LMA's have been abused, *see, e.g., Manahawkin Communications Corporation*, 17 FCCRcd 342 (2001); *Hicks Broadcasting of Indiana, LLC*, 13 FCCRcd 10662, 10677 (1998) (HDO); *Choctaw Broadcasting Corp.*, 12 FCC Rcd 8534 (1997), its enforcement has been largely limited to instances in which aggressive complainants have forced action, and not from any affirmative effort to review compliance and insure that broadcasters are not violating Commission ownership rules.

Additionally, FMC wishes to stress that the Commission can also address shortcomings in program diversity by adding voices to the marketplace of ideas. Low power radio is unquestionably the best such mechanism, and FMC urges the Commission to expedite action on LPFM applications and to expand the service. FMC also supports the shared time proposal advanced in this proceeding by the Minority Media Telecommunications Council.

FMC Research Project

FMC respectfully informs the Commission that it is completing a major study, funded by the Rockefeller Foundation, that explores the impact of radio station ownership consolidation on musicians and the public. FMC will submit this study to the FCC upon its completion later this year.

There are three major components to the project:

1. Analysis of Radio Industry Data

First, the study will analyze existing information and data collected by federal agencies, radio and music industry analysts, trade organizations, researchers and journalists to provide a comprehensive picture of the radio industry both before and after the passage of the 1996 Telecommunications Act. This will allow FMC to answer two research questions:

1. Whether there has been a consolidation of radio station ownership in the past twenty years and, if so,
2. What has been the effect of such radio station consolidation on the radio industry.

2. Analysis of Commercial Radio Charts

In addition to collecting data about the radio industry, FMC is conducting an analysis of radio charts in three selected genres over the past ten years. FMC has accessed archival *Radio & Records* charts and is building a comprehensive database that indicates such things as how long singles were in rotation, on how many stations nationwide, and other information, over a ten-year period.

3. Polling the Public

FMC has also contracted with a social research firm to conduct a nationwide telephone survey to poll the public about its opinions about and satisfaction with commercial radio in the United States.

Respectfully submitted,

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